

possessing the same or to whom they are charged shall be accountable therefor.

Sec. 2. This act is effective January 1, 1972.

Approved June 7, 1971.

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## CHAPTER 946—H.F.No.1209

[Coded in Part]

*An act relating to public recreational use of privately owned lands; limiting the effects of such use with respect to liability for injury and dedication for use; amending Minnesota Statutes 1969, Chapter 87, by adding sections; and Sections 87.01 and 87.03; repealing Minnesota Statutes 1969, Sections 87.02 and 87.04.*

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1969, Section 87.01, is amended to read:

**87.01 PUBLIC RECREATIONAL USE OF PRIVATELY OWNED LANDS; POLICY.** It is the policy of the state, in furtherance of the public health and welfare, to encourage and promote the use of privately owned lands and waters by the public for beneficial ~~outdoor~~ recreational purposes, and the provisions of ~~sections 87.01 to 87.04~~ Minnesota Statutes 1969, Chapter 87, and acts amendatory thereof, are enacted to that end.

Sec. 2. Minnesota Statutes 1969, Chapter 87, is amended by adding a section to read:

**[87.021] DEFINITIONS.** Subdivision 1. For the purposes of Minnesota Statutes 1969, Chapter 87, as amended, the terms defined in this section have the meanings given them, except where the context clearly indicates otherwise.

Subd. 2. "Land" means land, roads, water, watercourses, private ways and buildings, structures, and machinery or equipment when attached to the realty.

Subd. 3. "Owner" means the possessor of a fee interest or a life estate, a tenant, lessee, occupant or person in control of the premises.

Changes or additions indicated by underline, deletions by ~~strikeout~~.

Subd. 4. "Recreational purpose" includes, but is not limited to, any of the following, or any combination thereof: hunting, trapping, fishing, swimming, boating, camping, picnicking, hiking, bicycling, horseback riding, pleasure driving including snowmobiling and the operation of any motorized vehicle or conveyance upon a road or upon or across any land in any manner whatsoever, nature study, water skiing, winter sports, and viewing or enjoying historical, archaeological, scenic, or scientific sites.

Subd. 5. "Charge" means the admission price or fee received in return for invitation or permission to enter or go upon the land.

Sec. 3. Minnesota Statutes 1969, Chapter 87, is amended by adding a section to read:

**[87.022] LANDOWNER'S DUTY OF CARE OR DUTY TO GIVE WARNINGS.** Except as specifically recognized by or provided in section 6 of this act, an owner of land owes no duty of care to render or maintain the premises safe for entry or use by others for recreational purposes.

Sec. 4. Minnesota Statutes 1969, Chapter 87, is amended by adding a section to read:

**[87.023] LIMITATIONS ON LANDOWNER'S LIABILITY.** Except as specifically recognized by or provided in section 6 of this act, an owner of land who either directly or indirectly invites or permits without charge any person to use such property for recreational purposes does not thereby:

(a) Extend any assurance that the premises are safe for any purpose;

(b) Confer upon such person the legal status of an invitee or licensee to whom a duty of care is owed;

(c) Assume responsibility for or incur liability for any injury to person or property caused by an act of omission of such persons.

Sec. 5. Minnesota Statutes 1969, Chapter 87, is amended by adding a section to read:

**[87.024] APPLICATION TO LAND LEASED TO STATE OR POLITICAL SUBDIVISION THEREOF.** Unless otherwise agreed in writing, the provisions of sections 3 and 4 of this act shall be deemed applicable to the duties and liability of an owner of land leased to the state or any subdivision thereof for recreational purposes.

Sec. 6. Minnesota Statutes 1969, Chapter 87, is amended by adding a section to read:

**Changes or additions indicated by underline, deletions by ~~strikeout~~.**

[87.025] WHEN LANDOWNER'S LIABILITY NOT LIMITED. Nothing in Minnesota Statutes 1969, Chapter 87, as amended, limits in any way any liability which otherwise exists:

(a) For willful or malicious failure to guard or warn against a known dangerous condition, use, structure, or activity;

(b) For injury suffered in any case where the owner of land charges the person or persons who enter or go on the land for the recreational use thereof, except that in the case of land leased to the state or a subdivision thereof, any consideration received from the state or subdivision thereof by the owner for such lease shall not be deemed a charge within the meaning of this section.

Sec. 7. Minnesota Statutes 1969, Chapter 87, is amended by adding a section to read:

[87.026] DUTY OF CARE OF PERSONS USING LAND. Nothing in Minnesota Statutes 1969, Chapter 87, as amended, shall be construed to:

(a) Create a duty of care or ground of liability for injury to persons or property;

(b) Relieve any person using the land of another for recreational purposes from any obligation which he may have in the absence of Minnesota Statutes 1969, Chapter 87, as amended, to exercise care in his use of such land and in his activities thereon, or from the legal consequences of failure to employ such care.

Sec. 8. Minnesota Statutes 1969; Section 87.03, is amended to read:

~~87.03 DEDICATION. No dedication of any free recreational area or part thereof to any outdoor recreational use by the public specified pursuant to section 87.02, subdivision 3, shall take effect in consequence of the exercise of such use for any length of time hereafter except as expressly permitted or provided by the owner. No dedication of any road, path, trail, portage, waterway, or other passageway through or over any such area for the purpose of or land in connection with any outdoor recreational use by the public specified pursuant to section 87.02, subdivision 3, any person for a recreational purpose shall take effect in consequence of the exercise of such use for any length of time hereafter except as expressly permitted or provided by the owner or as otherwise expressly provided by sections 160.05 and 160.06, or other legislative act.~~

Sec. 9. REPEALER. Minnesota Statutes 1969, Sections 87.02 and 87.04, are repealed.

Approved June 7, 1971.

Changes or additions indicated by underline, deletions by ~~strikeout~~.